

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**PATTI A. McCANN (FINK),**

**Plaintiff,**

**vs.**

**Civil Action 2:09-cv-00615**

**Judge James L. Graham**

**Magistrate Judge E. A. Preston Deavers**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the June 30, 2010, Report and Recommendation of the Magistrate Judge (Doc. 17). The Magistrate Judge recommended that the Court remand the decision of the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation, Doc. 21 at 21). The time period for filing objections to the Report and Recommendation expired. Defendant has not objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b).

Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **REMANDS** the decision of the Commissioner of Social Security for furthering proceedings consistent with the Report and Recommendation. Plaintiff's Motion to Remand (Doc. 18) is **DENIED** as moot.

**IT IS SO ORDERED.**

**DATE: Aug 18, 2010**

**S/ James L. Graham**  
**JAMES L. GRAHAM**  
**UNITED STATES DISTRICT JUDGE**